

Message Text

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ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-10 EA-09 EUR-12 NEA-10

FEA-01 ACDA-10 AGR-10 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-02 COME-00 DODE-00 DOTE-00 EB-07 EPA-04

ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-02 OES-06 OMB-01 PA-02 PM-04

PRS-01 SP-02 SS-15 USIA-15 SAL-01 /188 W

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FM USMISSION USUN NY

TO SECSTATE WASHDC 7096

UNCLAS USUN 1751

FROM LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS COMMITTEE II, PM SESSION, 22 APR 1976,

ARTS 110-116

SUMMARY: DEBATE CONTINUED ON LANDLOCKED ARTICLES WITH CONTINUED ATTEMPTS BY LL/GDS TO AMEND SINGLE NEGOTIATED TEXT (SNT) SO CONVENTION WOULD PLACE OBLIGATIONS ON TRANSIT STATES. LL ATTEMPTS WERE CONSISTENTLY REPULSED BY PERU. END SUMMARY.

1. COMMITTEE II AFTERNOON SESSION, 22APRIL, QUICKLY PASSED OVER ARTS. 110 AND 111 WHEN ONLY MINOR DRAFTING CHANGES WERE SUGGESTED.

2. ART 112. AFGHANISTAN PROPOSED CHANGING QTE MAY UNQTE TO QTE SHALL UNQTE AND ADDING FOLLOWING AS NEW PARA 2, QTE SUCH ZONES SHALL BE EXEMPTED FROM THE CUSTOMS REGULATIONS OF TRANSIT STATES AND THEY REMAIN HOWEVER, SUBJECT TO JURIS-
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DICTION OF THOSE STATES WITH REGARD TO OTHER MATTERS. UNQTE

PERU, SUPPORTED BY NIGERIA, LIBYA AND IVORY COAST LABLED THE CHANGES IMPOSSIBLE SINCE THEY WERE CONTRARY TO ELEMENTARY RIGHTS OF SOVEREIGN STATES.

3. ART 113. AFGHANISTAN PROPOSED ADDITION QTE OR IF FACILITIES ARE INSUFFICIENT STATES MAY COOPERATE FOR CONSTRUCTING AND IMPROVING THOSE FACILITIES UNQTE. SWAZILAND, LESOTO, BOLIVIA, TURKEY, LAOS, ZAMBIA, BRAZIL, AND ARGENTINA SUPPORTED ADDITION.

4. ART 114. PAKISTAN PROPOSED AS A CHANGE TO OPENING QTE EXCEPT IN CASES OF FORCE MAJEURE OR WHERE NECESSITATED BY REQUIREMENTS OF NATIONAL SECURITY AND VITAL INTERESTS OF TRANSIT STATES OR NATIONAL EMERGENCIES IN THOSE STATES ... ETC UNQTE. CAMEROON SUGGESTED SIMPLE ADDITION TO EXISTING TEXT OF QTE OR AS MEANS PERMIT UNQTE, AND THIS WAS SUPPORTED BY AFGHANISTAN AND ZAMBIA.

5. ART 115. (A) SWITZERLAND PROPOSED AMENDMENT QTE SHIPS FLYING THE FLAG OF LAND-LOCKED STATES SHALL ENJOY, IN RESPECT OF ACCESS TO AND USE OF MARITIME PORTS, TREATMENT EQUAL TO THAT ACCORDED TO THE SHIPS OF THE PORT STATE OF TO SHIPS OF ANY OTHER STATE. UNQTE OPPOSED BY PERU, BRAZIL AND KENYA. SUPPORTED BY FRG, AUSTRIA, AND BELGIUM.

(B). LESOTO PROPOSED CHANGE IN SWISS TEXT FROM QTE PORT STATE UNQTE TO QTE TRANSIT COASTAL STATE UNQTE, AND DELETION OF QTE OR TO SHIPS OR ANY OTHER STATE UNQTE. SUPPORTED BY ARGENTINA, BOLIVIA, ZAMBIA, SWAZILAND, BOTSWANA, NEPAL, AFGHAN, AND GUATAMALA.

(C). PERU SUGGESTED ADDING TO EXISTING TEXT QTE ALSO, IN AGREEMENT WITH TRANSIT STATES ENJOY PREFERENTIAL TREATMENT IN RESPECT OF THIRD STATES IN TRANSIT PORTS USED IN TRANSPORT OF GOODS TO AND FROM LL STATES. UNQTE CHILE SUPPORTED.

(D). HUNGARY PROPOSED AMENDMENT TO THE SWISS TEXT QTE ...MARITIME PORTS, TREATMENT EQUAL TO THAT OF ANY OTHER UNCLASSIFIED

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STATE OR TO SHIPS OF THE PORT STATE BY COMMON AGREEMENT WITH THE LATTER. UNQTE (FROM 58 CONVENTION). SUPPORTED BY BYELORUSSIA AND CZECHOSLAVAKIA.

6. ART 116. (A). AUSTRIA PROPOSED TEXT TO READ QTE LL STATES MAY, IN ACCORDANCE WITH THE PROVISIONS OF ARTS..., PARTICIPATE IN THE EXPLOITATION OF THE NATURAL RESOURCES OF THE ECONOMIC ZONES OF COASTAL STATES OF THE

SAME REGION OR SUB-REGION. UNQTE

(B). PERU PROPOSED DELETION OF THE ENTIRE PARAGRAPH 116 AND CHANGING THE TITLE OF PART VI TO QTE ACCESS TO THE SEA AND TRANSIT FOR LL STATES. UNQTE SUPPORTED BY ARGENTINA, CAMEROON, NIGERIA, NEPAL, SWAZILAND, PAKISTAN, UAE, URAGUAY, BOLIVIA, KENYA, MEXICO, YUGOSLAVIA, GHANA, NORWAY, IRAQ, INDIA, LESOTO, SAUDI ARABIA, MOROCCO, BRAZIL, SRI LANKA, PARAGUAY, TOGO , IVORY COAST, CHILE, ITALY, SUDAN, MOZAMBIQUE, BAHRAIN AND GUATEMALA. SWISS AND AFGHANISTAN SOUGHT TO RETAIN PRESENT TITLE.

7. PARAGUAY OFFERED NEW AMENDMENT AS 115(B) FROM CONVENTION OF FREEDOM OF TRANSIT (ART 11) AND 1965 NEW YORK CONVENTION (ART 9), QTE NOTHING IN THIS CONVENTION ENTAILS IN ANY WAY THE WITHDRAWAL OF TRANSIT FACILITIES WHICH ARE GREATER THAN THOSE PROVIDED IN THE CONVENTION IN WHICH ARE AGREED BETWEEN CONTRACTING STATES. THIS CONVENTION ALSO DOES NOT PRECLUDE SUCH GRANT OF GREATER FACILITIES IN THE FUTURE. UNQTE THE RULE OF SILENCE WAS REVERSED AND NO OBJECTION WAS MADE.
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